



JULY 25 2005  
U.S. PATENT AND TRADEMARK OFFICE  
IIP E JG 12471243  
TJW/AFB

Patent

BE-119

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Erich Kast, et al  
Serial No: 10/686,037  
Filed: October 15, 2003  
For: IMPLANT FOR PLACEMENT BETWEEN VERTEBRAE  
Examiner: David Comstock  
Art Unit: 3732

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL**

S I R:

Applicant hereby appeals from the Examiner's Final Rejection of claims 1 and 4 - 12 in the Office Action dated March 23, 2005.

The amount of \$ 250.00 to cover the appeal fee is being charged as per attached form PTO-2038.

07/26/2005 MAHMEDE1 00000016 10686037

01 FC:2401

250.00 OP

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By F. Kueffner  
Friedrich Kueffner  
Reg. No. 29,482  
317 Madison Avenue, Suite 910  
New York, New York 10017  
(212) 986-3114

Dated: July 22, 2005  
Encls: PTO-2038 (\$250.00)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 22, 2005.

By: F. Kueffner Date: July 22, 2005  
Friedrich Kueffner